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4 KACIE KENITZER,
5 Plaintiff,

6 v.
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8 CHIPOTLE MEXICAN GRILL, INC., et al.,
9 Defendants.

10 Case No. 14-cv-04115-JD

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**ORDER ON WITHDRAWAL OF
COUNSEL AND CONDITIONAL
DISMISSAL**

18 Attorney Gregory L. Spallas filed a motion to withdraw as plaintiff's counsel in this case.
19 Dkt. No. 25. Attorney Spallas states that plaintiff has gone missing from the case and has failed to
20 stay in regular contact with him or respond to discovery and other case issues for an extended
21 period of time. He states that he has advised plaintiff of his intention to withdraw on prior
22 occasions and has given her a copy of the pending motion to withdraw. Plaintiff has not
23 responded in any way to the motion.

24 In light of these circumstances, the Court grants the motion to withdraw on a conditional
25 basis under Civil Local Rule 11-5(b). Court papers and filings, such as this Order, will continue to
26 be served on attorney Spallas and he is responsible for forwarding them to plaintiff.

27 The Court also conditionally dismisses this action without prejudice. Plaintiff has until
28 May 6, 2015 to inform the Court whether she elects to proceed with the case on a pro se basis or
hire other counsel. The Court will dismiss the action with prejudice if plaintiff fails to meet that
deadline. The Court will also terminate the conditional withdraw and permit full withdrawal of

1 counsel at that time. The Court expects attorney Spallas to help plaintiff file a response to this
2 Order if she chooses to make one.

3 **IT IS SO ORDERED.**

4 Dated: April 22, 2015

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6 JAMES DONATO
7 United States District Judge

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United States District Court
Northern District of California